

1 I, Ted G. Dane, declare as follows:

2 1. I am a member of the firm of Munger, Tolles, and Olson, counsel for
3 Defendant TheraSense, Inc. in this action. Except as otherwise stated, the facts contained herein
4 are based upon my personal knowledge. If called as a witness in this action, I could and would
5 testify competently to such facts.

6 2. Attached hereto as Exhibit A are true and correct copies of screen captures
7 obtained from the website for BD's Biosciences Division, www.bdbiosciences.com, containing
8 information regarding the location of the division's operations. These records indicated that the
9 business address of the Biosciences Division is San Jose, California, and that the business
10 addresses of three of the four units within that Division, Clontech, Immunocytometry Systems,
11 and Pharmingen, are located in Palo Alto, San Jose and San Diego, California, respectively. Palo
12 Alto and San Jose are in the Northern District of California.

13 3. Attached hereto as Exhibit B are true and correct copy of screen shots
14 from BD's website for its diabetes care business, bddiabetes.com, which indicate that the
15 business address of its Diabetes Care unit is Franklin Lakes, New Jersey.

16 4. Attached hereto as Exhibit C is a true and correct copy of a Complaint
17 filed by TheraSense, Inc. on May 28, 2004, in the Northern District of California.

18 I declare under penalty of perjury under the laws of the United States that the
19 foregoing is true and correct, and that this declaration was executed at Los Angeles, California
20 on this 28th day of May, 2004.
21

22
23 

24 Ted G. Dane
25
26
27
28